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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/613,404	07/03/2003	Wilfried Schilling	304-811	4474	
30448	7590	09/10/2004	EXAMINER		
AKERMAN SENTERFITT				VO, HIEN XUAN	
P.O. BOX 3188				ART UNIT	
WEST PALM BEACH, FL 33402-3188				PAPER NUMBER	
				2863	

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/613,404	SCHILLING ET AL.	
	Examiner	Art Unit	
	Hien X. Vo	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,4,5,10-17 and 19-24 is/are rejected.
- 7) Claim(s) 3, 6-9, 18 and 25 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 July 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 09/22/03.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 09/22/03. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because the form and legal phraseology often used in patent claims, such as "means of a radiant" (line 2), "the control means" (lines 8-9) and "said temperature" (line 12). Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the vicinity of a heater" in line 1. There is insufficient antecedent basis for this limitation in the claim.

The term "it" in claim 1 (line 16) is a relative term which renders the claim indefinite. The term "it" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claims 1-18 provides for the use of a method for measuring the temperature of a ferromagnetic saucepan, but, since the claim does not set forth any steps involved in the method/process. Further, there is missing a transitional phases (see MPEP § 2111.03), it is unclear what method/process applicant is intending to encompass.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-5, 10-17, 19-24 rejected under 35 U.S.C. 102(b) as being anticipated by Gross et al. (U.S. Patent No. 5,893,996).

With respect to claim 1, Gross et al. disclose the electric radiant heater with an active sensor for cooking vessel detection including an inductive sensor (see e.g. col. 1, line 22) and the ferromagnetic saucepan form part of a resonant circuit (see e.g. col. 1, lines 53-57), a parameter of the resonant circuit is determined on the inductive sensor as a measured temperature value in time behaviour with a curve and from a characteristic segment of the curve the temperature of the saucepan is established (see e.g. Figs. 3, 11 and col. 9, lines 1-8), the absolute value of the measured temperature value is used at a specific point of the characteristic segment as a desired value for control purposes (see e.g. Fig.3 and col. 8, lines 9-51), wherein the temperature of the support is measured and is used for forming from it a correction value, and the correction value is used for correcting the measured resonant circuit parameter (see e.g. col. 4, lines 40-55).

With respect to claim 2, Gross et al. disclose the invention as claimed including a frequency of the resonant circuit is used as the resonant circuit parameter (see e.g. col. 4, lines 31-34).

With respect to claims 4-5, Gross et al. disclose the invention as claimed including the characteristic segment is a relatively gradient change (see e.g. col. 8, lines 28-30) and the gradient becomes more shallow (see e.g. col. 3, line 1).

With respect to claims 10-15, Gross et al. disclose the invention as claimed including the temperature is measured by a resistance measuring sensor (see e.g. col.4, lines 63-66), calculated a frequency shift of the resonant circuit (see e.g. col. 1, lines 65-66), the inductive sensor is a coil, the detection is a coil, the detection coil has only one turn and the induction coil is used as sensor (see e.g. Fig. 2, col. 1, lines 19-28).

With respect to claims 16-17, Gross et al. disclose the invention as claimed including an electrical contacting means in an area where the temperature measurement takes place, and through the electrical contacting means there is a subdivision of the induction coil into at least two areas, one part of the induction coil being used for temperature measurement purposes, a spiral induction coil, an inner part of the coil is used for temperature measurement (see e.g. Figs. 2, 4 and 5-10).

Claims 19-24 are apparatus claims corresponding to method claims 1-2, 4-5, 10-17. Therefore, claims 19-24 are rejected for the same rationales set forth for claims 1-2, 4-5, 10-17.

6. Claims 3, 6-9, 18 and 25 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien X. Vo whose telephone number is (571) 272-2282. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hien Vo
August 31, 2004



John Barlow
Supervisory Patent Examiner
Technology Center 2800